

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES J. SENIOR, NORMAN FAHY,
RONALD D. PHIPPS, RAYMOND W.
POSTMA, THOMAS G. HIRL and UNITED
STEELWORKERS OF AMERICA,
LOCAL 12004,

Plaintiffs

v.

NSTAR ELECTRIC AND GAS
CORPORATION and COMMONWEALTH
GAS COMPANY,

Defendants.

Civil Action No. 04-10160-EFH

JOINT MOTION TO CONTINUE DISCOVERY
AND OTHER CASE DEADLINES

Plaintiffs Charles J. Senior, Norman Fahy, Ronald D. Phipps, Raymond W. Postma, Thomas G. Hirl and United Steelworkers of America, Local 12004 (collectively referred to as "Plaintiffs"), and Defendants NSTAR Electric and Gas Corporation ("NSTAR") and Commonwealth Gas Company (collectively referred to as "Defendants"), jointly move that the deadline for completing discovery and filing dispositive motions be continued from August 31, 2004 to and including November 1, 2004. The grounds for this motion are as follows:

1. This is an action by Plaintiff retirees who were represented by Local 12004 of the United Steelworkers of America during their employment with NSTAR and its predecessors. The Plaintiffs challenge modifications to retiree health benefits implemented on or about April 1, 2003.
2. After a scheduling conference on June 1, 2004, this Court established an expedited discovery schedule, requiring discovery to be completed and dispositive motions filed by August 31,

2004. Since June 1, Plaintiffs and Defendants have served and responded to written discovery requests. In addition, both Plaintiffs and Defendants plan to conduct depositions.

3. Plaintiffs and Defendants request that the discovery and dispositive motion deadline of August 31 be extended, both to accommodate vacations and other scheduling issues for the conducting of depositions, and also to coordinate this action with the related action of Louis Balestracci, et al v. NSTAR Electric and Gas Corporation, Civil Action No. 04-11103-EFH. In Balestracci, management retirees of NSTAR and its predecessors challenge modifications to retiree benefits implemented on April 1, 2003. Discovery is currently scheduled to close in Balestracci by October 15, 2004. In the interest of judicial economy, and limiting the resources expended by both parties in these related matters, the parties propose that the discovery and dispositive motion deadlines in both matters be continued until and including November 1, 2004.¹

WHEREFORE, the parties pray that this motion be allowed, and that the deadline for completing discovery and filing dispositive motions be continued to and including November 1, 2004.

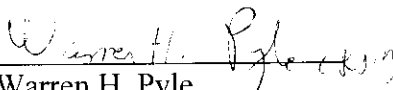
¹A separate motion to continue case deadlines is being filed in Balestracci.

Respectfully submitted,

CHARLES J. SENIOR, et al.,

By their Attorneys,

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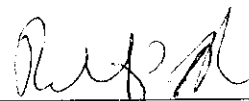
Dated: August 9, 2004

Respectfully submitted,

NSTAR ELECTRIC AND GAS
CORPORATION and COMMONWEALTH
GAS COMPANY,

By their Attorneys,

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B.B.O. #546052

Dated: August 9, 2004

CERTIFICATE OF SERVICE

I, Robert P. Morris, certify that on August 9, 2004, I caused to be served a copy of the within pleading by hand on counsel for Plaintiffs, Warren H. Pyle, Pyle, Rome, Lichten, Ehrenberg & Liss-Riordan, P.C., 18 Tremont Street, Suite 500, Boston, MA 02108.


Robert P. Morris